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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,865	01/22/2004	Michael P. Seifert	2909.STEN.NP	5933

26986 7590 10/20/2004

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SALT LAKE CITY, UT 84101

EXAMINER
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NGUYEN, ANTHONY H

ART UNIT	PAPER NUMBER
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2854

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

10/762,865

Applicant(s)

SEIFERT ET AL.

Examiner

Anthony H Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/22/2004.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

***Claim Rejections - 35 U.S.C. § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,2, 5, 7, 8, 10, 12, 14-19 and 23 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Seitz (US 1,420,765) in view of Jantzen (US 5,344,358).

With respect to claims 1,2,7,8,10,14,15,19 and 23, Seitz teaches an embossing apparatus having a first embossing element 17 having a first design 19 and a first interconnection 16, a second embossing element 15 having a second interconnection element 18 (including the rectangular area surrounded the 18) which engages the first interconnection as shown in Figs. 2 and 4 of Seitz. Seitz does not teach the second design which is larger size than the first design. Jantzen teaches the embossing apparatus having a first design 45 and a second design of a second larger size 47 (Jantzen, Figs.2 and 5). In view of the teaching of Jantzen, it would have been obvious to one of ordinary skill in the art to modify the embossing apparatus of Seitz by providing the second embossing element having a design of a larger size than the first design as taught by Jantzen for optimizing the embossing quality on a medium. Also, note that the selection of a desired second design which is larger than the first design or the first design which is larger than the second design involves only an obvious matter of design choice based upon the medium to be embossed or need. With respect to claims 5, 16 and 18, the use of mechanical

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fastener or a weld for adjoining two elements such as embossing elements is conventional and involves no apparent unobviousness.

Claims 3, 13 and 22 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Seitz in view of Jantzen as applied to claims 1-2, 5, 7, 8, 10, 12, 14-19 and 23 above, and further in view of Thonet (US 1,612,841).

Seitz and Jantzen teach all that is claimed, except the first and second embossing elements which are partially transparent material. However, Thonet teaches the conventional use of embossing elements 3 and 7 which are partially transparent material. In view of the teaching of Thonet, it would have been obvious to one of ordinary skill in the art to modify the embossing apparatus of Seitz and Jantzen by providing a first and second embossing elements which are partially transparent as taught by Thonet for ease of visualizing the medium to be embossed which is inserted between the embossing elements.

Claims 4, 9, 17 and 21 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Seitz in view of Jantzen as applied to claims 1,2, 5, 7, 8, 10, 12, 14-19 and 23 above, and further in view of Taylor (US 5,511,472).

Seitz and Jantzen teach all that is claimed, except the first interconnection element having at least one tab formed with the first element and the second interconnection element having an aperture so that the tab of the first interconnection element can be inserted through. Taylor teaches the embossing apparatus having the first embossing element 31 which includes pegs or tabs 36 that match with the apertures 37 in the second embossing element 33 to align the embossing elements. In view of the teaching of Taylor, it would have been obvious to one of ordinary skill in the art to modify the interconnection elements of Seitz by providing the interconnection elements as taught by Taylor for quickly aligning the embossing elements together.

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Claims 6, 11 and 20 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Seitz in view of Jantzen as applied to claims 1-2, 5, 7, 8, 10, 12, 14-19 and 23 above, and further in view of Christian et al. (US 4,799,317).

Seitz and Jantzen teach all that is claimed, except the first and second embossing elements which are generally round in configuration. Christian et al. teaches a stencil device having first and second stencil wheels or elements which are which are generally round in configuration and turnable about the PIN located proximate the center of the elements as shown in Figs.3 and 4. In view of the teaching of Christian et al., it would have been obvious to one of ordinary skill in the art to modify the apparatus of Seitz and Jantzen by providing a first and second embossing elements having a generally round in configuration as taught by Christian et al. to permit more various designs in the generally round embossing elements.

### *Conclusion*

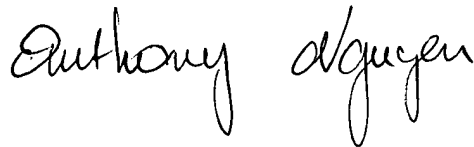
The patents to Hutchison et al., Kuhlman et al. and Burchell are cited to show other structures having obvious similarities to the claimed structure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Nguyen whose telephone number is (571) 272-2169. The examiner can normally be reached daily from 9 AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld, can be reached on (571) 272-2168. The fax phone number for this Group is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

A handwritten signature in black ink that reads "Anthony Nguyen". The signature is written in a cursive, flowing style.

Anthony Nguyen  
10/13/04  
Patent Examiner  
Technology Center 2800